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1948, and he saved this body with the passion and dedication that we have come to identify in all of our Nation's great leaders. Those who had the honor of working with Dick Bolling knew him to be a great student of history and a wise instructor of the legislative process. Throughout his 17 consecutive terms in office, he was a great leader in the Congress and a good friend to many of us.

Dick Bolling's public career service began with his entry into World War II as an Army private. While bravely serving his country, Dick earned a Legion of Merit award and a Bronze Star for his courageous service in the Pacific theater. After the war, he accepted a position as a weapons adviser with the University of Missouri at Kansas City.

As a Representative of the Fifth District of Missouri, Dick never once lost sight of the foremost responsibility in Congress: To ensure his constituents the accessibility they deserved, he established one of the first district offices in the Nation. In addition, he became one of the first to use a mobile congressional office. In 1955, Dick accepted a seat on the House Rules Committee, which he later chaired.

Throughout his career in Congress, Dick Bolling demonstrated a staunch and genuine passion for social justice. In 1957, he proved instrumental in the passage of a landmark piece of civil rights legislation—the first such legislation since Reconstruction. Seven years later Dick played an equally influential role in passing the now legendary Civil Rights Act of 1964.

In 1969, 7 years after his retirement from this body, Dick returned to the Hill to become an informal adviser of mine. His knowledge and wisdom on vital issues served not only to guide me, but also to reinvigorate this body with the spirit he radiated for 34 years. He was a friend and a confidant; I respected his precise judgment, and I valued his integrity. We will continue to miss his presence on this floor, and we are grateful for the legacy he has left behind. This description is but a small tribute to the great service he rendered our country.

Mr. TRAFICANT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Ohio (Mr. TRAFICANT) that the House suspend the rules and pass the bill, H.R. 2560.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2560, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

# BAN ON SMOKING IN FEDERAL BUILDINGS ACT

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 861) to prohibit smoking in Federal buildings, as amended.

The Clerk read as follows:

H.R. 861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ban on Smoking in Federal Buildings Act".

SEC. 2. PURPOSES.

Congress finds that—

(1) environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts among sensitive populations;

(2) environmental tobacco smoke causes from secondhand smoke emitted by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(3) citizens of the United States spend up to 30 percent of a day indoors and, consequently, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(4) exposure to environmental tobacco smoke occurs in public buildings and other indoor facilities;

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by many environmental pollutants regulated by the Environmental Protection Agency; and

(6) the Administrator of General Services, having broad authority and longstanding experience with respect to the acquisition, management (including restriction of smoking of space) occupied by Federal employees, is particularly qualified to pass regulations to restrict and enforce a prohibition on smoking in such space.

SEC. 3. SMOKING PROHIBITION IN FEDERAL BUILDINGS.

(a) SMOKING PROHIBITION.—

(1) General rule.—On and after the 1994 day after the date of the enactment of this Act, smoking shall be prohibited in any indoor portion of a Federal building, except in areas designated pursuant to paragraph (2).

(2) Designation of smoking areas.—The head of a Federal agency may permit smoking in a designated area of a Federal building owned or leased for use by such agency if such area—

(A) is ventilated separately from other portions of the Federal building;

(B) is regulated under a method devised by the Administrator of General Services to be at least as effective as the method described in paragraph (A); or

(C) is ventilated in accordance with Federal indoor air quality standards for environmental tobacco smoke, if such standards are in effect.

(b) Enforcement.—

(1) Executive branch buildings.—

(A) In general.—The Administrator of General Services shall issue regulations, and take such other actions as may be necessary, to institute and enforce the prohibition contained in subsection (a) in such prohibition applies to Federal buildings owned or leased for use by an Executive agency.

(B) Enforcement.—The Administrator is authorized to designate, and to authorize the administration of, any authority vested in the Administrator under paragraph (A) (or any other official of the General Services Administration or to the head of any other Executive agency.

administration or to the head of any other Executive agency.

(2) JUDICIAL BRANCH BUILDINGS.—The Director of the Administrative Office of the United States Courts, after consultation with the Administrator of General Services, shall take such actions as may be necessary in the future and enforce the prohibition contained in subsection (a) in such prohibition applies to Federal buildings owned or leased for use by the House of Representatives.

(3) SENATE.—The Committee on Rules and Administration of the Senate shall take such actions as may be necessary to institute and enforce the prohibition contained in subsection (a) in such prohibition applies to Federal buildings owned or leased for use by the Senate.

(4) OTHER GOVERNMENT BUILDINGS.—The Architect of the Capitol shall take such actions as may be necessary to institute and enforce the prohibition contained in subsection (a) in such prohibition applies to Federal buildings owned or leased for use by an establishment in the legislative branch of the Government (other than the House of Representatives and the Senate).

Not later than 3 years after the date of the enactment of this Act, the Administrator of General Services shall transmit to the Committees on Public Works and Transportation and on Government Operations of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing—

(1) information concerning the degree of compliance with this Act; and

(2) information on research and development conducted by the Administrator on methods of ventilation which are at least as effective as the method described in section 3(a)(2)(A).

SEC. 4. PENALTIES.

Nothing in this Act is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this Act.

SEC. 5. PENALTIES.

For the purposes of this Act, the following definitions apply:

(1) EXECUTIVE AGENCY.—The term "Executive agency" has the same meaning such term has under section 105 of title 5, United States Code.

(2) FEDERAL AGENCY.—The term "Federal agency" means any Executive agency or any establishment in the legislative or judicial branches of the Government.

(3) FEDERAL BUILDING.—The term "Federal building" means any building or other structure (or portion thereof) owned or leased for use by a Federal agency, except that the term shall not include any building or other structure on a military installation, any health care facility under the jurisdiction of the Secretary of Veterans Affairs, or any area of a building that is used primarily as living quarters.

(4) MILITARY INSTALLATION.—The term "military installation" means a base, camp, post, station, yard, center, barracks, facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

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The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 881, as amended, will protect Federal workers and members of the public who visit Federal buildings from the serious health hazard of environmental tobacco smoke [ETS], also known as secondhand smoke. This smoke harms not only the smoker, but also the innocent nonsmoker.

In January 1993, the Environmental Protection Agency issued a report on the effects of secondhand smoke on nonsmokers. The report concluded that secondhand smoke is a group A human carcinogen and is responsible for approximately 3,000 lung cancer deaths each year in nonsmoking adults.

This report led me to introduce H.R. 881, the Ban on Smoking in Federal Buildings Act on February 16, 1993. As introduced, the legislation called for a complete ban on smoking in any indoor portion of Federal buildings.

After a series of public hearings, the bill was amended to provide reasonable exceptions to the total ban on smoking. Yet, it still provides the protection that nonsmokers require. I believe we have addressed the matter of fairness in the legislation and this has resulted in the bill having 44 cosponsors and bipartisan support.

The committee held 7 days of balanced, comprehensive hearings on this legislation. The witnesses included the then Surgeon General Antonia C. Novello, who stated that the Department of Human Services supported the objectives of H.R. 881 and added that tobacco use and exposure to tobacco smoke are harmful and can lead to disease, disability, and even death.

The Commissioner of the Public Buildings Service from the General Services Administration [GSA] also testified that GSA supported a ban on smoking in Federal buildings. According to the Commissioner, GSA Houses about 1 million Federal employees in 7,600 owned and leased buildings. GSA's current regulations on smoking limit smoking to designated rooms, but because of the common practice in commercial buildings of recirculating air, room designation does not stop the spread of smoke. In addition, the witness stated that although requiring separately ventilated rooms for smokers would be more effective, it might result in a large expense ranging from \$68.5 to \$97.6 million.

Two expert witnesses opposed H.R. 881. There specific criticism focused on EPA's scientific methodology. However the expert panel of EPA officials, statisticians, and scientists defended the

methodology and the results of the EPA report.

If anyone doubt the seriousness of smoking as a health hazard, it is important to realize that the Department of Labor is already awarding damages in instances of smoke in the workplace. The director of the office of workers' compensation programs, Department of Labor, testified at the hearing that under the Federal Employees Compensation Act, the program has awarded compensation benefits to Federal employees who have been affected by tobacco smoke in the workplace.

States that have banned smoking in their public facilities include California, New Jersey, Ohio, Maryland, Michigan, Utah, Idaho, and others, as well as cities.

The chairman of the Department of Critical Care Medicine, St. Francis Medical Center and Society of Critical Care Medicine, Pittsburgh, PA, was another expert witness in support of the ban on smoking. He testified that in children, secondhand smoke clearly increases the risk of lower respiratory tract infections, including bronchitis and pneumonia, resulting in the hospitalization of 7,500 to 15,000 infants and children each year. This expert further testified that we must ensure that scarce and expensive health care resources are allocated in the most efficient manner possible. Too many other unpredictable and unpreventable illnesses and injuries require our attention.

H.R. 881, as amended, would ban smoking in any indoor portion of a Federal building, subject to specified exceptions. The primary exception is that the designated smoking area be ventilated separately from other indoor portions of the building. The other two exceptions address the issue of equivalency in separate ventilation techniques and in quality measurements.

Finally, no later than 2 years after enactment, GSA is required to submit a report to the House and Senate Public Works Committees and the House Committee on Government Operations on compliance with the act and on research and development conducted by the administrator on methods of ventilation which are at least as effective as separate ventilation.

The definition section clarifies which Federal entities will be covered by the act. For instance, the following entities would not be covered: Any building or other structure on a military installation any health care facility under the jurisdiction of the Secretary of Veterans Affairs or any area of a building used primarily as living quarters.

It is important to note that another provision ensures that this act will not preempt a more restrictive provision in any State or local law.

H.R. 881 is very significant legislation that would have Congress take a leadership position for the Nation in protecting our citizens from the hazards of secondary smoke. It is a very

serious health issue that needs to be addressed now. I urge your strong support for H.R. 881.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 881, a bill to ban smoking in Federal buildings. As we come to the end of the first session of the 103d Congress, on behalf of the gentleman from Tennessee [Mr. DUNCAN], ranking Republican on the Public Buildings and Grounds Subcommittee, I wish to congratulate my colleague, the chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from Ohio [Mr. TRAFICANT], who has shown spirited bipartisan leadership in this, and other legislation that the subcommittee has considered and passed this session. I also wish to congratulate the vice chair of the subcommittee, the Delegate from the District of Columbia, Mr. NORTON who has brought enthusiasm, intelligence, and a sense of commitment to the subcommittee. You should be proud of your legislative accomplishments, which have included passage of Columbia Hospital for Women, an ambitious GSA capital investment program, the African-American Museum on the Mall, needed changes to the Smithsonian building program, numerous naming bills, and last a change to the manner of scoring real estate transactions. You have established, and executed an ambitious legislative program. You have also joined the ranking Republican on the Public Building and Grounds Subcommittee in seeking out wasteful spending in construction of Federal buildings, and I believe our efforts have truly made a difference. Whether it is a project in your State or mine, you stood with me in assuring the American taxpayer that Federal building construction projects were no longer rubber stamped by this subcommittee, but were rigorously examined and scrutinized before approval.

The bill before us now, H.R. 881, would, 180 days after enactment, ban smoking in Federal buildings. This ban would extend to buildings of the legislative, judicial and executive branch, but would exempt DOD facilities, Veterans Department health care facilities and Government housing. The bill allows for smoking in areas of buildings that would be separately ventilated, or ventilated using a method that is at least as effective as if the area is separately ventilated, or is ventilated in accordance with Federal indoor air quality standards for environmental tobacco smoke, if such standards are in effect.

The Subcommittee on Public Buildings and Grounds held 2 days of hearings on H.R. 881, and compiled a hearing record of 567 pages of written material on the bill. Witnesses included, the Surgeon General, EPA, OSHA, GSA, OPM, private physicians, epidemiologists, building design experts, rep

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representatives of the Tobacco Institute, the American Lung Association, and Members of Congress. Numerous meetings and deliberations were held. An earlier oversight hearing was held on the status of smoking regulations in Federal buildings. This bill is a product of these activities. I believe this is a sensible bill which addresses the issue of secondhand smoke in the Federal workplace, while respecting the rights of individuals. We have balanced to need for a more healthy indoor environment without punishing those who choose to smoke. I support this bill and urge my colleagues to vote for this bill.

Mr. ANDREWS of Texas. Mr. Speaker, will the gentleman yield?

Mr. PETRI. I am happy to yield to the gentleman from Texas.

Mr. ANDREWS of Texas. Mr. Speaker, I am curious in that when I was listening to the gentleman's remarks why the Veterans' Administration health facilities are excluded from the bill. Possibly I misheard the gentleman. Would he, please, explain that to me?

Mr. TRAFICANT. Mr. Speaker, will the gentleman yield?

Mr. PETRI. I am happy to yield to the gentleman from Ohio [Mr. TRAFICANT], the chairman of the subcommittee, for a definitive response to the gentleman's question.

Mr. TRAFICANT. Mr. Speaker, we felt it was very important. Our major concern was the workmen's compensation cases in the Federal workplace and the General Services Administration.

Our committee has jurisdiction over the areas in which we have brought forward, and we left these other areas open for the interpretation of Congress through the process to be addressed.

The gentleman from Illinois [Mr. DURBIN] is here. He has played a leadership role and has already addressed these rules, and what we are trying to do is get a specific piece of legislation moved forward that would affect our workplace relative to the workmen's compensation issue and others.

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And that will be addressed in comprehensive programming down the line by other committees.

Mr. ANDREWS of Texas. If the gentleman would continue to yield for one more question, I appreciate the opportunity to ask it. Veterans' hospitals certainly is an area that the Congress has looked at before and tried to cease smoking in those hospitals, especially because almost every other hospital in this country has eliminated smoking from those facilities.

This bill does not address that. It is certainly an area I would think the Congress would want to look at.

Mr. TRAFICANT. If the gentleman would continue to yield, the Committee on Veterans' Affairs is looking at this. As this bill goes through the process, all of these other concerns that are salient to the bill and important will be dealt with. The bill has been stream-

lined to deal with the Federal workplace, which falls under the jurisdiction of our committee. It deals with the issue of health-related workers compensation cases that have already been awarded in regard to those veterans who have been exposed. So those things will be put on the table as the bill goes through the process where these other committees have jurisdiction and will be working their will.

Mr. ANDREWS of Texas. I thank the gentleman for his response.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. VALENTINE], an able member of the committee.

(Mr. VALENTINE asked and was given permission to revise and extend his remarks.)

Mr. VALENTINE. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to H.R. 831.

This legislation is simply unfair—unfair to those Federal workers who choose to smoke; unfair to those citizens who smoke and whose business takes them into Federal buildings; and unfair to the thousands of Americans, including many in North Carolina, who earn an honest and honorable living from tobacco production.

It seems to me that we should be able to accommodate both smokers and nonsmokers and protect the legitimate rights of each. Indeed, legislation we passed to establish rules for the use of tobacco in veterans hospitals proves that it is possible to implement a reasonable policy that does not trample on the rights of either group.

Moreover, the policy that has been put into effect right here in the House office buildings demonstrates this fact clearly. The designated public smoking area in the Rayburn Building is right outside my office. Although the majority of my staff members are nonsmokers, I am unaware of even a single complaint from anyone about this smoking area.

Despite these examples of how to do it right, the legislation we are considering today fails the basic fairness test. Although it has been dressed up with rhetoric that appears, at least superficially, to allow for separate smoking areas, the practical effect of this bill is crystal clear: it will effectively ban smoking in Federal office buildings.

My colleagues on the other side of this issue will emphatically deny that this bill is designed to ban smoking. But, the evidence to the contrary is clear. When this bill was presented to the Congressional Budget Office for a cost estimate, the cost of implementing this legislation was estimated at between zero and \$50 million. The CBO was astute enough to realize that the de facto result of this legislation would, for the most part by a complete

ban, rather than a reasonable compromise.

Let there be no doubt about this: the requirement for a separate ventilation system for smoking areas will make the cost of establishing such areas prohibitive.

Let there also be no doubt about one other fact: that fundamental unfairness of this bill could be fixed easily. Simply providing that smoking areas be separated from other areas and that the air from smoking areas be exhausted directly outside the building would allow limited smoking and would protect nonsmokers from environmental tobacco smoke.

We know that this reasonable solution works—it is what we are doing here in the House of Representatives. If it is good enough for the Congress, why is it not good enough for executive branch employees? Why is it not good enough for citizens who visit Federal buildings?

We have a solution here in the House that is both fair and effective—why not apply it across the Government?

Mr. Speaker, I had hoped that we could reach a fair solution that respects the interest of smokers and nonsmokers. Instead, we are faced with a heavy handed measure that will hurt many more people than the Federal workers who are most directly affected. I am opposed to this punitive bill.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. DURBIN] who is the leader in the House on this particular issue.

Mr. Speaker, my subcommittee dealt with the issue at hand, but DICK DURBIN is without doubt a leader this Nation should respect. He is now one of the cardinals in the Congress, head of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and related agencies of the Committee on Appropriations.

Mr. DURBIN. I thank the gentleman from Ohio.

Mr. Speaker, I want to salute the gentleman from Ohio [Mr. TRAFICANT] for his tenacity and leadership on this issue. I can tell you that I have been working on this issue for many years with the gentleman from Texas [Mr. ANDREWS], the gentleman from Oklahoma [Mr. SYNAH] and so many, many others on both sides of the aisle, but Mr. TRAFICANT has shown an extraordinary gift in bringing this bill to the floor today, and I want to salute him and his staff for their hard work in bringing it to our attention and consideration.

Let me speak for a moment to the point raised by my friend—and he is my friend—and fellow colleague from North Carolina, the gentleman who spoke just before me. In that situation, the gentleman raised a question as to whether or not we were setting a separate standard for Congress as opposed to the rest of the Nation. Let me make it clear this bill applies to all three

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branches of the Federal Government, that the standard that will be applied to Federal buildings and workers in those buildings will apply just as well to Members of Congress and the buildings that we occupy here on Capitol Hill.

For over a year I have been fighting a battle to try to bring sanity and a smoking policy to the House side of Capitol Hill, with limited success. As I walked in today to begin this debate, I had to walk through a cloud of smoke right outside this Chamber, and we supposedly have a policy of only allowing smoking in separately ventilated areas. It is not being enforced.

The same is true down in the House dining room and many other areas. We need what this bill offers, a standard uniform national approach to all Federal buildings, including the buildings occupied by Members of Congress.

My friend, the gentleman from Texas [Mr. AMERSON] raised a question as to whether VA hospitals should be exempt. In my opinion they should not. But I will not criticize the author of this legislation for excluding them.

When I first introduced legislation to ban smoking on airplanes, the first draft of the bill only banned it on flights of 2 hours or less. Then a year or 2 later it was expanded to virtually all flights in America.

We had to accept a compromise to make our point.

I salute the gentleman for the compromise he thinks will be necessary. But make no mistake, veterans as well as the doctors and medical personnel in VA hospitals have the same right to be protected from second-hand smoke as anyone else. And I hope that this legislation passes. And we can then see follow-on legislation to protect them as well as people working on military installations.

Some units of the Federal government have already stepped out and shown leadership here. The Department of Health and Human Services, the U.S. Postal Service, the Environmental Protection Agency have already banned smoking on their premises.

I am sorry to say the Federal Government is really not leading the way here. Most of America is way ahead of Congress and the Federal Government on this issue. Try to go into a State government office now and find people smoking; you will not find it. They realize as everyone else does that that is an imposition on nonsmokers and should not be allowed.

I think frankly I am glad to see the Federal Government in a way catching up, and I salute the gentleman from Ohio [Mr. TRAFICANT] for pushing this issue. But we will have to fight this every step of the way. The tobacco lobby and its friends on Capitol Hill will resist this change as the bill comes over to the other body and they will resist any change in the future. Those of us who are determined to protect nonsmokers from second-hand

smoke will have to continue that sort of effort and vigilance.

Let anyone conclude I have a vengeance against smokers, I do not. Let me say this: I hope that as part of this program we will include smoke cessation clinics so that employees across the Federal Government have a chance and opportunity to quit with medical supervision and assistance, if needed. I really believe this is a terrible addiction. I have seen it in my own family and among my friends, and we should extend a helping hand to those people who genuinely want to stop smoking.

I want to salute again my colleague from Ohio and all of those who support this legislation. I am looking forward to working with him for not only the passage of this bill but more legislation in the future that protects other nonsmokers.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding.

Mr. Speaker, I have reviewed this legislation, and I am just curious if the gentleman can tell me: If an employee of a Federal agency, in spite of this bill—let us assume the bill becomes law—an employee out there in Illinois or in Missouri or any place else happens to get caught smoking where he should not be smoking, what happens to that person?

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Mr. DURBIN. Mr. Speaker, if the gentleman does not mind, I would like to yield to the gentleman from Ohio [Mr. TRAFICANT] for a response.

Mr. TRAFICANT. Enforcement as written in the report of the bill is as follows:

Executive branch buildings. The Administrator of General Services shall issue regulations and take other actions as may be necessary to promulgate such actions in accordance with submission to the Congress.

Judicial branch buildings. The Director of the Administrative Office of the United States Courts shall likewise take such actions in concert with all these other groups that are responsible for enforcement, a practical program of enforcement.

In the House of Representatives, the House Office Building Commission shall take such actions.

In the Senate, it would be the Committee on Rules and Administration.

In other establishments, the Architect of the Capitol shall take such actions as may be necessary to institute and enforce the prohibition contained in any of the legislative branch operation.

The point is, nobody has cast anything in stone. We want to see what will work.

What we have now is an administrative policy of people blowing smoke in the eyes of that policy. This will become a law and that law shall be enforceable and it will be within the scope of everyone's good common sense

to effect the program of enforcement. It does not tie their hands.

Mr. VOLKMER. Mr. Speaker, if the gentleman will yield further, in other words, it is up to the individual. Within the executive branch, they can draft regulations.

Mr. TRAFICANT. The respective groups responsible for the enforcement of these buildings shall have a concerted plan that conforms with the intent and the scope of the legislation.

Mr. VOLKMER. In other words, you could have three different types of enforcement. Like in the executive branch, it could be that you lose your job for 30 days if you are caught smoking or else you could be fined \$1,000 if you are caught smoking.

In the legislative branch, it could be that you are reprimanded and asked not to do it again.

In the judicial branch, it could be that you have to go the courthouse and watch the judge operate for a day.

Mr. TRAFICANT. At this point, yes; but remember, in that courthouse there are jury rooms. There are individuals who come into these Federal buildings who do not work there. This takes into consideration the flexibility, the differences and scope and service of the entity. We do not produce a product. We provide a service and all of us provide a different service. It is left open to be fair enough to be promulgated into a plan that we can enforce, not what we have now, which is an absolute joke.

Mr. DURBIN. Mr. Speaker, let me just say in response to my colleague, the gentleman from Missouri. When we proposed banning smoking on airplanes, the people who opposed that legislation said, "You don't know what you're going to get started here. There will be fistfights in the aisles of airplanes. The flight attendants will be wrestling the people to the ground. They are going to be starting fires in the restrooms. We are going to have more lawsuits than you can possibly imagine."

Do you know what? It never happened. Because we announced what the policy was, people voluntarily got into the program. Smokers and nonsmokers alike, we had one incident per 1 million airline passengers, one per 1 million, and now it is even fewer.

If the folks know what the rules are, smokers and nonsmokers, they will play by those rules. We will not have to hold over their heads the threat of sitting in a courtroom all day or going to jail or whatever it might be.

I just think what we have to do is have an understandable policy that people can live by to protect folks who smoke and those who do not.

Mr. Speaker, I rise in support of H.R. 881. It is time for the Federal Government to fully protect its workers and visitors from second-hand smoke in Federal buildings, including buildings owned or leased by the executive, legislative, and judicial branches of the U.S. Government.

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On January 7 of this year, after several years of intensive study, the Environmental Protection Agency formally classified environmental tobacco smoke as a group A carcinogen. This classification is reserved for substances which are known to cause cancer in humans, including asbestos, benzene, and arsenic.

EPA found that secondhand smoke causes approximately 3,000 lung cancer deaths annually in U.S. nonsmokers.

In addition, exposure to secondhand smoke causes 150,000 to 300,000 lower respiratory tract infections such as bronchitis and pneumonia in young children each year, causes additional episodes of asthma and increased severity of asthma symptoms in children who already have asthma, and may be a risk factor for 8,000 to 26,000 new cases of asthma annually in children who would not otherwise become asthmatic.

In response to EPA's findings, I introduced legislation, as did the gentleman from Ohio [Mr. TRAFICANT], to protect Federal employees from secondhand smoke. I am pleased that H.R. 881 has reached the House floor.

The EPA and others who have examined this issue have told us there are only two ways to protect nonsmokers from the hazards of breathing secondhand smoke. Either indoor smoking must be banned, or it must be limited to separately ventilated smoking areas. Separate smoking sections that are not separately ventilated are not acceptable, because the smoke recirculates through the building's ventilation system directly into the rooms used by nonsmokers.

H.R. 881 does not require that agencies establish separately ventilated smoking rooms, nor does it provide funding for such rooms. However, it leaves open the possibility of separate ventilation in cases where separate ventilation could be accomplished without significant cost. Of course, the simplest and least expensive way to protect people from secondhand smoke is to ban smoking indoors.

Federal employees and visitors to Federal buildings deserve an environment that is free from the hazards of secondhand smoke. I have received letters and phone calls from a number of Federal employees since my bill was introduced, describing the shortcomings of the present Federal smoking policy and the need for greater protections so that these employees can breathe the air in their workplaces without being subjected to secondhand smoke.

A Federal smoking ban would give Federal workers the same protections that many of their private sector counterparts enjoy. The Society for Human Resource Management has periodically surveyed its members regarding their smoking policies. In 1988, only 2 percent of the firms that responded had a no-smoking policy. By 1991, 34 percent of the firms that responded indicated they have declared their facilities smokefree. Today the percentage is undoubtedly even larger. The Federal Government should provide similar protection.

Employees of some Federal agencies are already able to breathe freely without exposure to secondhand smoke. The U.S. Department of Health and Human Services, the U.S. Environmental Protection Agency, and the U.S. Postal Service have each taken action to protect their employees from exposure to this

carcinogen. Now, it is time to give all Federal employees the same smokefree environment. I urge my colleagues to support this legislation, so that Federal workers and visitors to Federal buildings can breathe freely.

Mr. TRAFICANT. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Kentucky [Mr. MAZZOLI] whose help along with that of the gentleman from Illinois [Mr. DURBIN] and the key leaders in the House, we will need as this matter goes forward.

(Mr. MAZZOLI asked and was given permission to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding this time to me.

Let me join others of my colleagues in saluting the work done by the gentleman from Ohio [Mr. TRAFICANT] on this bill. It is a very difficult bill. It was a very difficult legislative effort the gentleman from Ohio put forth in behalf of the House and in behalf of the people of America who need to be protected from what is called ETS, or the environmental tobacco smoke. So I rise in strong support of the bill.

I hope it is given positive treatment in the other body and then becomes the law of the land, because I think with it will come savings in America, not just in money, because it is known that tobacco smoke is re-circulated and things get dirty and people have to have their clothes cleaned, and on and on; but there will be savings in lives also because people have adverse health effects from breathing in smoke directly or breathing in second-hand smoke.

I say that with, I guess, is some trepidation in a way, because I am from Kentucky, which is one of the major tobacco States in the Nation, but it has been my observation, as I go back home virtually every week, that more and more people are reaching the position which this bill posits, which is that smoking and tobacco use, smoke itself, are hazardous to human health.

I think it ought to be noted that this bill occurs on what we call the Suspension Calendar which is reserved usually for noncontroversial bills.

Back in 1983 when the gentleman from Illinois, who preceded me in the well and also had great courage in moving the bill toward banning smoking in airplanes, his kind of bill, which I also supported, could never have been put on this kind of docket.

Why is the bill of the gentleman from Ohio [Mr. TRAFICANT] on this Suspension docket? It represents a change in thinking on the part of the American people. There has been a change in thinking on the part of the American people concerning smoking and health. I think the bulk of the American people feel that any reasonable, responsible, organized and preannounced effort, as this is, to tell us the new rules of the road will be supported.

So Mr. Speaker, I salute the gentleman from Ohio for bringing us to this point. I hope that our colleagues

in the House can support the bill and I hope eventually it becomes the law of the land.

Mr. TRAFICANT. Mr. Speaker, will the gentleman from Wisconsin yield me 1 minute?

Mr. PETRI. Mr. Speaker, I have yielded back the balance of my time, but if I may reclaim my time, I will yield a minute to the gentleman from Ohio.

The SPEAKER pro tempore. Without objection, the gentleman from Wisconsin reclaims his time.

There was no objection.

Mr. TRAFICANT. No. 1. Mr. Speaker, the gentleman from Tennessee [Mr. DUNCAN] is a leader. He would not allow a smoking bill to be unfair. This is very fair.

No. 2. If the GSA determines that it is effective, a simple exhaust fan can get the job done, saving us from liability in courts on workmen's compensation cases. An exhaust fan would be adequate.

Finally, everybody in this body and everybody in Government will be under the same rule. It is an outright blatant fallacy to say that we will be treated differently.

The Architect of the Capitol, the Building Commissioner, the Director and the administrative head of GSA shall promulgate and enforce these plans and rules consistent with the legislative mandate needed here today.

This is a tough bill. I want to thank the gentleman from Illinois [Mr. DURBIN], the gentleman from Tennessee [Mr. DUNCAN], the gentleman from Kentucky [Mr. MAZZOLI], and all the staff for bringing out a very fair piece of legislation.

Mr. MINETA. Mr. Speaker, I want to commend the gentleman from Ohio [Mr. TRAFICANT] for his fine explanation of the bill and I want to commend him and the Public Buildings and Grounds Subcommittee's ranking Republican member [Mr. DUNCAN] for their leadership on this important and complex bill.

I also want to thank other committees who helped make today possible, and in that regard, I am enclosing with my statement an exchange of letters between the Energy and Commerce and Public Works Committee on this bill.

The Surgeon General began warning us of the hazards of smoking almost 30 years ago, and today's evidence of the effects of smoking is truly daunting. According to the American Cancer Society, one in five regular smokers will die from their habit. The medical evidence has long been clear. Smoking kills.

Today, we are being warned anew. Environmental tobacco smoke, or ETS, which consists of second-hand smoke and the sidestream smoke from lit cigarettes, is also deadly.

Furthermore, ETS causes thousands of people, especially children, to suffer unnecessary asthma attacks and respiratory infections.

Additionally, because Americans spend up to 90 percent of their time indoors, there is a significant potential for exposure to ETS.

Based upon the concern for the health of employees and potential workers' compensation liability, 85 percent of public and private employers have smoking policies and more

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then one-third declared their facilities smoke-free in a 1991 survey. States are also concerned. For instance, my home State of California has barred smoking from spaces owned or leased by the State.

Currently, smoking restrictions are in force in most Federal buildings. However, in buildings without no smoking provisions, there remains a serious potential workers' compensation issue. The Federal Employees' Compensation Act, or FECA, already covers injuries and illnesses related to ETS like any other work-related illness. To date, FECA claims have been filed due to work place injuries from ETS. Settlements have cost U.S. taxpayers thousands of dollars.

Based upon my concern for the health of Federal employees and potential liability of the U.S. Government and, thus, the taxpayers, I support H.R. 881, the Ban on Smoking in Federal Buildings Act. Under H.R. 881, as reported by the Committee on Public Works and Transportation, smoking would be prohibited in Federal buildings unless the building provided a specific area, separately ventilated, for smokers. I believe this approach effectively balances Federal employees' health concerns, the U.S. Government's potential workers' compensation liability issues, and individual rights.

H.R. 881 is long overdue and I urge its adoption.

The letters referred to follow:

Committee on Energy and Commerce,

Washington, DC, November 15, 1993.

Chairman, Committee on Public Works and Transportation, Washington, DC.

DEAR MR. CHAIRMAN: On October 15, 1993, the Committee on Public Works and Transportation reported H.R. 881, the Ban on Smoking in Federal Buildings Act (H. Rep. 103-288, Part 2).

That legislation, by prohibiting smoking in Federal buildings, proposes to address public health and safety issues relating to Federal employees and the general public who work in or visit legislative, executive, and judicial branch buildings.

As you know, under Rule X, clause (b)(X)(B), of the Rules of the House of Representatives, the Committee on Energy and Commerce has jurisdiction of "public health and quarantine" and health issues in general. Based on Rule X, related issues, and attendant precedents, we believe we are entitled both to a sequential referral of the bill and to be named cosponsors thereon. However, our Committee agreed not to pursue a sequential referral of the bill based upon your Committee's desire to bring H.R. 881 to the floor this session and your agreement to acknowledge our Committee's jurisdiction of this matter.

That waiver should not be construed as a waiver of our Committee's jurisdiction over the subject matter of H.R. 881, nor does it imply a waiver of our Committee's representation in any conference with the Senate.

I am pleased to cooperate with you on this matter and request that this letter be made part of this record during floor consideration of the bill.

Sincerely,

JOHN D. DINGELL,

Chairman

## CONGRESSIONAL RECORD — HOUSE

### COMMITTEE ON PUBLIC WORKS

#### AND TRANSPORTATION,

Washington, DC, November 15, 1993.

MR. JOHN D. DINGELL,

Chairman, Committee on Energy and Commerce,

House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter on H.R. 881, the "Ban on Smoking in Federal Buildings Act".

Because of your Committee's jurisdiction over public health issues, I recognize your right to sequential referral of H.R. 881. However, I understand that you did not pursue

I further recognize that your not pursuing the referral should in no way be construed as a waiver of any jurisdiction your Committee has relating to this issue, including any rights you may have to be named cosponsors on the bill. I will gladly include our exchange of correspondence on this matter in the Record during House consideration of H.R. 881.

Sincerely yours,

NORMAN Y. MINETA,

Chairman.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). The question is on the motion offered by the gentleman from Ohio (Mr. TRAFICANT) that the House suspend the rules and pass the bill, H.R. 881, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

### GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise extend their remarks and include therein extraneous material on H.R. 881, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

### HAZARD MITIGATION AND FLOOD DAMAGE REDUCTION ACT OF 1993

Mr. APPELEGATE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9445) to improve hazard mitigation and relocation assistance in connection with flooding, to provide for a comprehensive review and assessment of the adequacy of current flood control policies and measures, and for other purposes, as amended.

The Clerk read as follows:

H.R. 9445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hazard Mitigation and Flood Damage Reduction Act of 1993".

SEC. 2. HAZARD MITIGATION.

(a) FEDERAL SHARE.—Section 404 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by striking "50 percent" and inserting "75 percent".

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(b) TOTAL COMPENSATION.—Section 404 of such Act is further amended by striking "in part" and all that follows through the period and inserting "75 percent of the estimated aggregate amounts of amounts to be made under the Act (less administrative costs with respect to such major disaster)".

(c) APPLICATION.—The amendments made by this section shall apply to any major disaster declared on or after June 10, 1993.

SEC. 3. FLOODPLAIN ACQUISITION AND RELOCATION.

Section 404 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is further amended—

(1) by inserting "(a) In GENERAL—" before

"The President"; and

(2) by adding at the end the following:

"(b) PROPERTY ACQUISITION AND RELOCATION ASSISTANCE.—

"(1) GENERAL AUTHORITY.—In providing assistance to a State or local government under this section in connection with flooding, the Director of the Federal Emergency Management Agency may provide property acquisition and relocation assistance for projects which meet the requirements of paragraph (2).

"(2) TERMS AND CONDITIONS.—An acquisition or relocation project shall be eligible for funding pursuant to paragraph (1) only if—

"(A) the recipient of such funding is an eligible borrower eligible under the National Flood Insurance Program established under subsection (c);

"(B) the recipient of such funding enters into an agreement with the Director under which the recipient provides assurances that—

"(i) properties acquired, accepted, or from which structures will be removed under the project will be delineated and maintained in perpetuity to meet which are consistent with open space, recreational, or scientific management practices;

"(ii) new structures will not be erected in designated special flood hazard areas other than (1) public facilities which are open on all sides and functionally related to a designated open space, (17) rest rooms, and (18) structures which are approved in writing before the start of construction by the Director; and

"(iii) no future disaster assistance for damage resulting in flooding will be sought from or provided by any Federal source for any property acquired or accepted under the acquisition or relocation project."

SEC. 4. FLOOD CONTROL AND FLOODPLAIN MANAGEMENT POLICIES.

(a) STUDIES.—The Secretary of the Army shall conduct studies to assess national flood control and floodplain management policies.

(b) CONGRESS.—The studies conducted under this section shall—

(1) identify critical water, sewer, transportation, and other essential public facilities which currently face unacceptable flood risks;

(2) identify high priority industrial, petrochemical, hazardous waste, and other facilities which require additional flood protection due to the racial health and safety risks caused by flooding;

(3) evaluate current Federal, State, and local floodplain management requirements for infrastructure improvements and other development in the floodplain and recommend changes to reduce the potential loss of life, property damage, economic losses, and threats to health and safety caused by flooding;

(4) assess the adequacy and consistency of existing policies on nonstructural flood control and damage prevention measures and, where appropriate, identify incentives and opportunities for greater use of such nonstructural measures;

(5) identify incentives and opportunities for environmental restoration as a component of the Nation's flood control and floodplain management policies;

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